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THE ATTORNEY GENERAL
CONCORD

December 1, 1976

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His Excellency, Meldrim Thomson, Jr.
and the Honorable Council
State House
Concord, New Hampshire 03301

Your Excellency and Gentlemen:

You have asked whether the 1974 Amendment to Part II, Article 3 of the New Hampshire Constitution has altered the time provided for the Governor and Executive Councilors elected during the 1976 biennial election to take their oaths of office pursuant to Part II, Article 85.

Part II, Article 42 of the New Hampshire Constitution provides that the Secretary of State shall lay the votes for Governor before the Senate and House of Representatives on the first Wednesday of January, and Part II, Article 60 provides that the votes for Executive Councilors shall be laid before the Senate and House of Representatives on the same day. Since the Senate and House are unable to declare the winners of the races to be elected Governor and Executive Councilors until they have examined the votes pursuant to Articles 42 and 60, the new Governor and Executive Councilors cannot take their oaths of office prior to the first Wednesday in January.

Accordingly, it is our opinion that the change in the date of dissolution of the General Court accomplished by the 1974 Amendment to Part II, Article 3 of the New Hampshire Constitution, has no effect on the date when the Governor and Executive Councilors may take their oaths of office.

Yours respectfully,

David H. Souter
Attorney General

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DJC/r